

FILED
IN CLERK'S OFFICE
U.S. DISTRICT COURT E.D.N.Y.

★ DEC 28 2021 ★

December 21, 2021

Delivery via First-Class Mail (USPS) BROOKLYN OFFICE

The Honorable Chief Judge Margo K. Brodie
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, NY 11201

re:

Dear Chief Judge Brodie:

The defendant, Andre Wilburn, without waiving any other motions, and to be considered in addition to any previously submitted motions, respectfully writes this Court to demand a speedy trial, pursuant to the speedy trial clause of the Sixth Amendment to the United States Constitution. The speedy trial clause provides that "[I]n all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial." U.S. Const. Amend VI. The defendant seeks a prompt trial in order to prove his innocence and to be relieved of the anxiety and severe restrictions on liberty associated with this almost 3-year old case.


The defendant has not consented and does not consent to any dilatory tactics of defense counsel, and any delay from counsel is contrary to the defendant's chosen trial strategy. The Second Circuit Court of Appeals has explicitly instructed lower courts that "[I]he defendant and not the court should decide what strategy should be pursued to adequately protect the defendant's interests. To take this choice out of [the defendant's] hands would deprive him of the right to conduct his defense in his manner and in accordance with his own standards." *United States v. Anderson*, 394 F.2d 743, 748 (2d Cir. 1968). In the same vein, the Second Circuit Court of Appeals has more recently held that "[I]t is the role of the lawyer to be a professional advisor and advocate, not to usurp his client's decisions concerning the objectives of representation." *United States v. Wellington*, 417 F.3d 284, 289 (2d Cir. 2005).

FILED
IN CLERK'S OFFICE
U.S. DISTRICT COURT
★ DEC 28 2021 ★
BROOKLYN OFFICE

Although former and current counsel's intentions may have been admirable, it is a bedrock rule of professional conduct that the decision to delay trial, thereby prolonging the defendant's "oppressive" pretrial detention and "anxiety" associated with pending criminal charges, *Barker v. Wingo*, 407 514, 532-533 (1972), is ultimately a decision made by the defendant. The defendant's strategy of having counsel quickly mitigate the case and promptly go to trial to prove his innocence has not changed since his January 15, 2019 arrest.

Therefore, the defendant would like to respectfully demand a speedy trial pursuant to the Sixth Amendment to the United States Constitution in order to prove his innocence at trial. see docket #'s 34, 46, and 56.

I affirm under penalty of perjury that the foregoing is true and correct to the best of my knowledge. Executed ~~by~~ and deposited in facility ~~per~~ "special mail" box on December 21, 2021.

Respectfully submitted,

Andre Wilburn #73608-298
MDC Brooklyn
P.O. Box 329002
Brooklyn, NY 11232

Andre Wilburn #73608008

MDC Brooklyn
PO Box 329007
Brooklyn, NY
11232

The Honorable Chief Judge Margo K. Brodie
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, NY 11201



FOREVER / USA

US MAIL
SPECIMEN

1120131832 000

001 AN XBOA/VEW

THE NEW YORK JAIL UNION CENTER
40 25 14 ST. BROOKLYN, NY 11232
If an enclosed letter was processed through
the Prisoners' Aid Forwarding to you.
This letter has neither been opened nor inspected.
If the writer raises a question or a problem over
which this facility has jurisdiction, you may wish
to return the material for further information.
If the writer asks for correspondence
please sign it. If the writer asks for correspondence
please sign it. If the writer asks for correspondence
please sign it.

SPECIAL MAIL